

REMARKS

Claims 1-30 are pending. Of these, claims 23-30 are withdrawn. By this Amendment, claims 1, 2, 4-9, 11-16, and 18-22 are amended. No new matter is added.

Claims 1, 2, 4-9, 11-16, and 18-22 are amended simply for further clarity.

For the following reasons, reconsideration is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §112:

On page 2 of the Office Action, claims 4-7, 11-14, and 18-21 are rejected under 35 U.S.C. §112, second paragraph as being indefinite.

Although claims 4-7, 11-14, and 18-21 were believed to be clear, for expedition, claims 4, 6, 11, 13, 18, and 20 are amended to obviate the rejection. Withdrawal of the rejection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §102:

On page 3 of the Office Action, claims 1-22 are rejected under 35 U.S.C. §102(e) as being anticipated by Ito et al. (U.S. Patent No. 7,031,239). The rejection is respectfully traversed.

First, the identity of the applied reference is unclear. For example, U.S. Patent No. 7,031,239 is to Takahashi, although Ito is listed as a co-inventor. Nevertheless, U.S. Patent No. 7,031,239 to Takahashi has not been listed on a PTO-892 that has been provided to the Applicants. Instead, the sole PTO-892 that has been provided to the Applicants with the Office Action of September 9, 2007 listed U.S. Patent No. 6,610,778 to Ito.

During a telephone call on May 19, 2008, the Examiner confirmed that the applied reference is U.S. Patent No. 7,031,239. Nevertheless, the text of the Office Action supports the rejection using references number used in U.S. Patent No. 6,610,778 to Ito. Accordingly, Office Action does not provide how the disclosure of U.S. Patent No. 7,031,239 is relevant. Thus, the Examiner is requested to provide an explanation of the rejection over U.S. Patent No. 7,031,239. Until this is provided, and an effective response is submitted in response by the Applicants, it is respectfully requested that the Office Action should withhold issuing a final Office Action.

In view of the above, Applicants notes the following.

None of Takahashi (U.S. Patent No. 7,031,239) or Ito (U.S. Patent No. 6,610,778)

discloses or suggests, inter alia, recording temporary defect information to an optical recording medium, the temporary defect information having an accumulated size equal to a multiple ($N=1, 2, \dots$) of a predetermined size (K), and separately recording subsequent temporary defect information on the optical recording medium, the subsequent temporary defect information having a size less than the predetermined size (K) and excluding the temporary defect information having the accumulated size equal to $K \times N$, as recited in claim 1. Further, none of Takahashi (U.S. Patent No. 7,031,239) or Ito (U.S. Patent No. 6,610,778) discloses or suggests the features of the corresponding apparatus claim 8, and the corresponding medium claim 15.

None of Takahashi (U.S. Patent No. 7,031,239) or Ito (U.S. Patent No. 6,610,778) discloses or suggests, inter alia, continuously recording temporary defect information having an accumulated size equal to a multiple ($N=1, 2, \dots$) of a predetermined size (K) on at least one portion of an optical recording medium, and accumulating and recording subsequent temporary defect information having a size less than the predetermined size (K) and excluding the temporary defect information having the size equal to $K \times N$ on the optical recording medium, **until an accumulated size of the subsequent temporary defect information reaches K** , as recited in claim 4. Further, none of Takahashi (U.S. Patent No. 7,031,239) or Ito (U.S. Patent No. 6,610,778) discloses or suggests the features of the corresponding apparatus claim 11, and the corresponding medium claim 18.

Further, none of Takahashi (U.S. Patent No. 7,031,239) or Ito (U.S. Patent No. 6,610,778) discloses or suggests, inter alia, separately storing temporary defect information having an accumulated size equal to a multiple ($N=1, 2, \dots$) of a predetermined size (K), and subsequent temporary defect information having a size less than the predetermined size (K) and excluding the temporary defect information having the accumulated size equal to $K \times N$, as recited in claim 22.

First, instead of temporary defect information having an accumulated size equal to a multiple ($N=1, 2, \dots$) of a predetermined size (K), for example, Takahashi simply discloses 1st through Nth defect entry 122-125 that is simply a defect list 112 of N defects (see, for example, FIG. 1, and col. 16, line 26-40, and FIG. 1 of Takahashi). The size of the defect list 112 is not based on a predetermined size, as it will change with additional defect entries, and Takahashi does not disclose that the size of the defect list 112 is a multiple of a predetermined size.

Further, Takahashi fails to disclose subsequent temporary defect information having a size less than the predetermined size (K) and excluding the temporary defect information having the accumulated size equal to $K \times N$, for example. That is, Takahashi does not disclose any additional defect entries other than the 1st through Nth defect entry 122-125 of the defect list 112

(see, for example, FIG. 1, and col. 16, line 42-col. 17, line 15 of Takahashi).

Second, instead of temporary defect information having an accumulated size equal to a multiple ($N = 1, 2, \dots$) of a predetermined size (K), for example, Ito simply discloses defect management information 10 that includes a secondary defect list (SDL) 13, which includes an SDL header 20, SDL entry information 21, and SDL entries 22. The SDL entry 22 includes a status field 22a, a field 22b for storing information location which indicates the location of the defective sector, and a field 22c for storing information which indicates the location of a replacement sector for the defective sector. The status field 22a is used to indicate whether the defective sector is replaced by a replacement sector (see, for example, col. 10, lines 10-42, and FIGS. 1A-1E of Ito). The size of the SDL 13 of Ito is not based on a predetermined size, as it will change with additional defect entries, and Ito does not disclose that the size of the SDL 13 is a multiple of a predetermined size.

Further, Ito fails to disclose subsequent temporary defect information having a size less than the predetermined size (K) and excluding the temporary defect information having the accumulated size equal to $K \times N$, for example. That is, Ito does not disclose any additional SDL entries other than the SDL entries 22 of the SDL 13.

In other words, Takahashi and Ito simply disclose defect lists, but fail to disclose or distinguish between temporary defect information having an accumulated size equal to a multiple ($N = 1, 2, \dots$) of a predetermined size (K), and additional subsequent temporary defect information having a size less than the predetermined size (K) and excluding the temporary defect information having the accumulated size equal to $K \times N$, as defined in claims 1, 4, 8, 11, 15, 18, and 22. Accordingly, claims 1, 4, 8, 15, 18, and 22 are patentably distinguishable over the Takahashi or Ito.

Claims 2 and 3, which depend from claim 1, claims 5-7, which depend from claim 4, claims 9 and 10, which depend from claim 8, claims 12-14, which depend from claim 11, claims 16 and 17, which depend from claim 15, and claims 19-21, which depend from claim 18, are likewise patentably distinguishable over Takahashi or Ito for at least the reasons discussed above, and for the additional features they recite. Withdrawal of the rejection is respectfully requested.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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